

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA

v.

JULIA ARIEL VALDEZ

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CASE NUMBER 1:17-CR-00109-3-MAC

**REPORT AND RECOMMENDATION ON
THE DEFENDANT'S COMPETENCY TO STAND TRIAL**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas, this criminal proceeding is before the undersigned United States magistrate judge.

On November 8, 2017, the Defendant filed a motion seeking a psychiatric or psychological exam to determine if the Defendant was suffering from a mental disease or defect rendering her mentally incompetent to the extent she is unable to understand the nature and consequences of the proceedings against her or to assist properly in her defense, and the court granted that motion on November 17, 2017. (Doc. No. 41, 45.) The Defendant was subsequently evaluated by Amor Correa, Ph. D., Licensed Psychologist at the Federal Medical Center, Carswell in Fort Worth, Texas, and found competent.

Dr. Correa's psychiatric report concludes that the Defendant "is not suffering from a mental disease or defect which would render her unable to understand the nature and consequences of the proceedings against her, to assist properly in her own defense, or to understand the consequences and significance of pleading guilty to the charges against her." (Doc. No. 86.)

A competency hearing was conducted on July 16, 2018. At the hearing, the Defendant appeared in court with her counsel, David E. Grove. David E. Grove did not present any objections to Dr. Correa's opinion on competency. Neither party objected to the admissibility of the psychological report detailing the results and findings, therefore, the court admitted it into evidence under seal.

The undersigned concludes that the Defendant is able to understand the nature and consequences of the proceedings against her and to assist properly in her defense. The Defendant has a rational and factual understanding of the proceeding against her, and has sufficient present ability to consult with her attorney with a reasonable degree of rational understanding. 18 U.S.C. § 4241(d); *see also Dusky v. United States*, 362 U.S. 402 (1960)

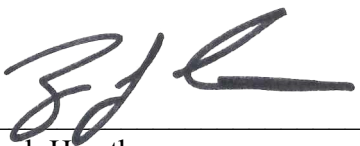
RECOMMENDATION

The court should find the Defendant competent to stand trial because she understands the nature and consequences of the proceeding against her and is able to assist in her defense. *See* 18 U.S.C. § 4241. It is further recommended that the speedy trial time be excluded from November 8, 2017 (the date the Defendant filed an Unopposed Motion for Psychiatric Exam), until the date on which the District Judge signs the order adopting this report and recommendation.

OBJECTIONS

The parties in this action have agreed to waive their 14 day period in order to file objections to this report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(c). Therefore, the district judge may act on adopting this report and recommendation immediately.

SIGNED this 16th day of July, 2018.



Zack Hawthorn
United States Magistrate Judge